

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:18-cv-02783-TNM**

CENTER FOR FOOD SAFETY v. UNITED STATES  
DEPARTMENT OF AGRICULTURE FARM SERVICE  
AGENCY

Assigned to: Judge Trevor N. McFadden  
Cause: 05:552 Freedom of Information Act

Date Filed: 11/28/2018  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****CENTER FOR FOOD SAFETY**

represented by **Kellan Smith**  
PUBLIC JUSTICE, P.C.  
1620 L Street, NW  
Suite 630  
Washington, DC 20036  
(510) 622-8209  
Fax: (202) 232-7203  
Email: [ksmith@publicjustice.net](mailto:ksmith@publicjustice.net)  
*TERMINATED: 03/22/2019*  
*PRO HAC VICE*

**George A. Kimbrell**  
CENTER FOR FOOD SAFETY  
2009 NE Alberta Street  
Suite 207  
Portland, OR 97211  
(917) 271-7372  
Fax: (917) 271-7374  
Email: [gkimbrell@centerforfoodsafety.org](mailto:gkimbrell@centerforfoodsafety.org)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**UNITED STATES DEPARTMENT  
OF AGRICULTURE FARM  
SERVICE AGENCY**

represented by **Jeremy S. Simon**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2528  
Fax: (202) 252-2599  
Email: [jeremy.simon@usdoj.gov](mailto:jeremy.simon@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
11/28/2018	<u>1</u>	COMPLAINT against FARM SERVICE AGENCY ( Filing fee \$ 400 receipt number 0090-5812738) filed by CENTER FOR FOOD SAFETY. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons for Attorney General, # <u>3</u> Summons for U.S. Attorney, # <u>4</u> Summons for Defendant)(Kimbrell, George) (Entered: 11/28/2018)
11/28/2018	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by CENTER FOR FOOD SAFETY (Kimbrell, George) (Entered: 11/28/2018)
11/28/2018	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Kellan Smith, :Firm- Center for Food Safety, :Address- 303 Sacramento St., 2nd Flr., San Francisco, CA 94111. Phone No. - 415-826-2770. Fax No. - 415-826-0507 Filing fee \$ 100,

		receipt number 0090-5812809. Fee Status: Fee Paid. by CENTER FOR FOOD SAFETY (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Kimbrell, George) (Entered: 11/28/2018)
11/28/2018		Case Assigned to Judge Trevor N. McFadden. (zmd) (Entered: 11/28/2018)
11/29/2018		MINUTE ORDER granting the Motion for Leave to Appear Pro Hac Vice of Attorney Kellan Smith. Counsel shall promptly register for this Court's CM/ECF system. Signed by Judge Trevor N. McFadden on 11/29/2018. (lctnm1) (Entered: 11/29/2018)
11/29/2018	<u>4</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 11/29/2018. (lctnm1) (Entered: 11/29/2018)
11/29/2018	<u>5</u>	SUMMONS (3) Issued Electronically as to All Defendants, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent)(zef, ) (Entered: 11/29/2018)
01/04/2019	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CENTER FOR FOOD SAFETY served on 12/4/2018, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 12/10/2018., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 12/6/2018. ( Answer due for ALL FEDERAL DEFENDANTS by 1/5/2019.) (Attachments: # <u>1</u> Exhibit)(Smith, Kellan) (Entered: 01/04/2019)
01/04/2019	<u>7</u>	Unopposed MOTION to Stay <i>in Light of Lapse in Appropriations</i> by UNITED STATES DEPARTMENT OF AGRICULTURE FARM SERVICE AGENCY (Simon, Jeremy) (Entered: 01/04/2019)
01/04/2019		MINUTE ORDER granting <u>7</u> Motion to Stay. Upon considering the Defendant's <u>7</u> Motion to Stay, it is hereby ordered that this matter shall be stayed until Congress has restored appropriations to the Department of Justice. It is further ordered that the Defendant will notify the Court immediately upon resumption of appropriations. Signed by Judge Trevor N. McFadden on 1/4/2019. (lctnm1) (Entered: 01/04/2019)
01/28/2019	<u>8</u>	NOTICE of Restored Government Funding by UNITED STATES DEPARTMENT OF AGRICULTURE FARM SERVICE AGENCY (Simon, Jeremy) (Entered: 01/28/2019)
01/28/2019		MINUTE ORDER. The Court hereby lifts the stay in this case. The Parties are hereby ORDERED to meet and confer and then propose to the Court a deadline for the Defendant to answer or otherwise respond to Plaintiff's Complaint on or before February 7, 2019. SO ORDERED. Signed by Judge Trevor N. McFadden on 1/28/19. (lctnm1) (Entered: 01/28/2019)
01/28/2019		Set/Reset Deadlines: Parties' proposed deadline for the Defendant to respond to the Complaint due by 2/7/2019. (hmc) (Entered: 01/28/2019)
02/06/2019	<u>9</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF AGRICULTURE FARM SERVICE AGENCY. (Simon, Jeremy) (Entered: 02/06/2019)
02/07/2019		MINUTE ORDER. The Defendant is hereby ORDERED to answer or otherwise respond to Plaintiff's Complaint on or before February 28, 2019. SO ORDERED. Signed by Judge Trevor N. McFadden on 2/7/19. (lctnm1) (Entered: 02/07/2019)
02/07/2019		Set/Reset Deadlines: Answer to the Complaint due by 2/28/2019. (tg) (Entered: 02/07/2019)
02/11/2019	<u>10</u>	NOTICE of Change of Address by George A. Kimbrell (Kimbrell, George) (Entered: 02/11/2019)
02/28/2019	<u>11</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF AGRICULTURE FARM SERVICE AGENCY.(Simon, Jeremy) (Entered: 02/28/2019)
02/28/2019		MINUTE ORDER. Before the Court are a complaint and an answer in this FOIA case. It is hereby ORDERED that the parties shall meet and confer and file a Joint Status

		Report proposing a schedule for proceeding in this matter. The schedule should address, among other things, the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the schedule on or before March 11, 2019. Signed by Judge Trevor N. McFadden on 2/28/19. (lctnm1) (Entered: 02/28/2019)
02/28/2019		Set/Reset Deadlines: Joint Status Report due by 3/11/2019. (hmc) (Entered: 02/28/2019)
03/07/2019	<u>12</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF AGRICULTURE FARM SERVICE AGENCY. (Simon, Jeremy) (Entered: 03/07/2019)
03/11/2019		MINUTE ORDER. The parties are hereby ORDERED to file a further Joint Status Report on or before April 29, 2019. SO ORDERED. Signed by Judge Trevor N. McFadden on 3/11/19. (lctnm1) (Entered: 03/11/2019)
03/11/2019		Set/Reset Deadlines: Joint Status Report due by 4/29/2019. (hmc) (Entered: 03/11/2019)
03/22/2019	<u>13</u>	NOTICE to Withdraw as Attorney by CENTER FOR FOOD SAFETY (Smith, Kellan) Modified on 3/22/2019 to correct docket event/text (jf). (Entered: 03/22/2019)
04/29/2019	<u>14</u>	Joint STATUS REPORT by CENTER FOR FOOD SAFETY. (Kimbrell, George) (Entered: 04/29/2019)
04/30/2019		MINUTE ORDER. The parties are hereby ORDERED to file a further Joint Status Report on or before May 30, 2019. SO ORDERED. Signed by Judge Trevor N. McFadden on 4/30/2019. (lctnm1) (Entered: 04/30/2019)
04/30/2019		Set/Reset Deadlines: Joint Status Report due by 5/30/2019. (hmc) (Entered: 04/30/2019)
05/29/2019	<u>15</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF AGRICULTURE FARM SERVICE AGENCY. (Simon, Jeremy) (Entered: 05/29/2019)
05/29/2019		MINUTE ORDER. Upon consideration of <u>15</u> Joint Status Report, the parties are hereby ORDERED to file a further Joint Status Report, including a briefing schedule if necessary, on or before June 27, 2019. SO ORDERED. Signed by Judge Trevor N. McFadden on 5/29/19. (lctnm1) (Entered: 05/29/2019)
05/30/2019		Set/Reset Deadlines: Joint Status Report due by 6/27/2019. (hmc) (Entered: 05/30/2019)
06/26/2019	<u>16</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF AGRICULTURE FARM SERVICE AGENCY. (Simon, Jeremy) (Entered: 06/26/2019)
06/27/2019		MINUTE ORDER. Upon consideration of <u>16</u> Joint Status Report, the parties are hereby ORDERED to file a further Joint Status Report, including a briefing schedule if necessary, on or before July 30, 2019. SO ORDERED. Signed by Judge Trevor N. McFadden on 6/27/19. (lctnm1) (Entered: 06/27/2019)
06/27/2019		Set/Reset Deadlines: Joint Status Report due by 7/30/2019. (hmc) (Entered: 06/27/2019)
07/30/2019	<u>17</u>	Joint STATUS REPORT by CENTER FOR FOOD SAFETY. (Kimbrell, George) (Entered: 07/30/2019)
07/31/2019		MINUTE ORDER. Upon consideration of <u>17</u> Joint Status Report, the parties are hereby ORDERED to file a further Joint Status Report, including a briefing schedule if necessary, on or before September 5, 2019. SO ORDERED. Signed by Judge Trevor N. McFadden on 7/31/2019. (lctnm1) (Entered: 07/31/2019)

08/01/2019		Set/Reset Deadlines: Joint Status Report due by 9/5/2019. (hmc) (Entered: 08/01/2019)
09/05/2019	<u>18</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF AGRICULTURE FARM SERVICE AGENCY. (Simon, Jeremy) (Entered: 09/05/2019)
09/05/2019		MINUTE ORDER. Upon consideration of <u>18</u> Joint Status Report, the parties are hereby ORDERED to file a further Joint Status Report on or before October 23, 2019. Signed by Judge Trevor N. McFadden on 9/5/19. (lctnm1) (Entered: 09/05/2019)
09/05/2019		Set/Reset Deadlines: Joint Status Report due by 10/23/2019. (hmc) (Entered: 09/05/2019)
10/23/2019	<u>19</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF AGRICULTURE FARM SERVICE AGENCY. (Simon, Jeremy) (Entered: 10/23/2019)
10/24/2019		MINUTE ORDER. Upon consideration of the parties' <u>19</u> Joint Status Report, the parties are hereby ORDERED to appear for a Status Conference on November 13, 2019, at 10:00 a.m. in Courtroom 2, before Judge Trevor N. McFadden. Signed by Judge Trevor N. McFadden on 10/24/2019. (lctnm1). (Entered: 10/24/2019)
10/25/2019		Set/Reset Hearings: Status Conference set for 11/13/2019 at 10:00 AM in Courtroom 2 before Judge Trevor N. McFadden. (hmc) (Entered: 10/25/2019)
11/04/2019	<u>20</u>	Joint MOTION to Vacate <i>Status Conference of November 13, 2019</i> by UNITED STATES DEPARTMENT OF AGRICULTURE FARM SERVICE AGENCY (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 11/04/2019)
11/04/2019		MINUTE ORDER. In light of the parties' <u>20</u> Joint Motion to Vacate Status Conference, the Status Conference scheduled for November 13, 2019, is hereby VACATED. The parties are ORDERED to appear for a Status Conference on December 10, 2019, at 10:00 AM in Courtroom 2, before Judge Trevor N. McFadden. If the parties reach a settlement before December 10, 2019, they shall promptly inform the Court. SO ORDERED. Signed by Judge Trevor N. McFadden on 11/04/19. (lctnm1) (Entered: 11/04/2019)